

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|--------------------------------------|---|--------------------------------------|
| DEWEY TURNBOW, |) | |
| |) | |
| Plaintiff/Counter-Defendant |) | Case No. 17 cv 1151 |
| |) | |
| v. |) | Judge Robert W. Gettleman |
| |) | |
| BLUE CLEAR LLC d/b/a SOUTH |) | Magistrate Judge Jeffrey Cole |
| SIDE STORIES PROPERTY |) | |
| MANAGEMENT, JONATHAN |) | |
| MICKELSON, and JULIAN |) | |
| MICKELSON, individually, |) | |
| MICKELSON BROTHERS LLC, |) | |
| MICKELSON BROTHERS III LLC, |) | |
| |) | |
| Defendants/Counter-Plaintiffs |) | |

JOINT MOTION FOR
APPROVAL OF SETTLEMENT

COMES NOW the Parties in the above-captioned case and respectfully requests the Court to approve the Settlement reached herein and states in support the following:

1. The Complaint and First Amended Complaint filed by the Plaintiff alleges, *inter alia*, a claim for unpaid overtime against the Defendants in alleged violation of the Fair Labor Standards Act (“FLSA”) [29 USC section 201 et seq.].
2. Pursuant to an Order of this Court, the parties participated in a settlement conference on September 7, 2017 before the Honorable Magistrate Judge Jeffrey Cole.
3. On September 7, 2017, the parties negotiated a settlement agreement (“Agreement”) which resolved all disputes between them including the FLSA claim.

4. The terms of the Agreement provide for several payments to be made to the Plaintiff, including a payment for wages. The parties have agreed that the terms of the Agreement, including, but not limited to, the payment of wages to the Plaintiff, are in full satisfaction of their claims and have signed a mutual general release of all existing claims between them.

5. The parties agreed to maintain confidentiality concerning the terms of the settlement agreement and, accordingly, the transcript of the September 7, 2017 court appearance during which Magistrate Cole and the parties set forth the terms of the Agreement has been filed under seal.

6. In order to maintain the confidentiality of the Agreement, the parties are agreeable to submit the Agreement for an *in camera* review by this Court if it desires to review the Agreement.

7. A private settlement of an FLSA claim must be approved by either the U.S. Department of Labor or a District Court. See *Binissia v. Suchecka*, No. 13-1230, 2017 WL 4180289, at *2-3 (ND IL Sept. 21, 2017).

8. The parties were represented by counsel knowledgeable and experienced with the FLSA throughout these proceedings and at the settlement conference.

Accordingly, it is respectfully requested that the Court approve the settlement agreement reached with respect to the settlement of Plaintiff's FLSA claim.

Dated: October 3, 2017

Respectfully submitted,

BLUE CLEAR LLC d/b/a/SOUTH
SIDE STORIES PROPERTY
MANAGEMENT, JONATHAN
MICKELSON, and JULIAN
MICKELSON, individually,
MICKELSON BROTHERS LLC,
MICKELSON BROTHERS III LLC,

DEWEY TURNBOW,
Plaintiff/Counter-Defendant

By: s/Paul J. Cherner

By: s/Ashley L. Orler, Esq.

*One of the attorneys for the
Defendants/Counter-Plaintiffs*

*One of the attorneys for Plaintiff/
Counter-Defendant*

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CERTIFICATE OF SERVICE

The undersigned attorney certifies that a true and correct copy of the foregoing Joint Motion for Approval of Settlement was served upon:

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via CM/ECF filing, this 3rd day of October, 2017.

s/Paul J. Cherner